

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTEMENTS, LLD D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

CANON, INC.,

Defendant.

CANON, INC.,

Third-Party Plaintiff,

v.

NXP USA, INC.,

Third-Party Defendant.

6:20-cv-00980-ADA

6:20-cv-00981-ADA

6:20-cv-00982-ADA

6:20-cv-00980-ADA

**DECLARATION OF RICH MARTINELLI IN SUPPORT OF DEFENDANT CANON'S
OPENING CLAIM CONSTRUCTION BRIEF**

I, Richard F. Martinelli, declare as follows:

1. I am a Partner with the law firm of Orrick, Herrington & Sutcliffe LLP and am one of the attorneys responsible for the representation of Defendant Canon, Inc. (“Canon” or “Defendant”) in this matter. I make this declaration in support of Defendant Canon’s Opening Claim Construction Brief.

2. If called to testify under oath in court, I could and would testify competently to the facts stated herein.

3. Attached hereto as **Exhibit 1** is a true and correct copy of U.S. Patent No. 7,054,346, produced by WSOU at WSOU-CANON-0000001- WSOU-CANON-0000012.

4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the file history of U.S. Patent No. 7,054,346, produced by WSOU at WSOU-CANON-0000013-WSOU-CANON-0000357.

5. Attached hereto as **Exhibit 3** is a true and correct copy of U.S. Patent No. 5,377,221 to Munday *et al.*, produced by Canon at CANON_980_00002568-CANON_980_00002575.

6. Attached hereto as **Exhibit 4** is a true and correct copy of U.S. Patent No. 6,345,066 to Haartsen, produced by Canon at CANON_980_00003165-CANON_980_00003178.

7. Attached hereto as **Exhibit 5** is a true and correct copy of U.S. Patent No. 5,541,954 to Emi, produced by Canon at CANON_980_00002601- CANON_980_00002619.

8. Attached hereto as **Exhibit 6** are true and correct copies of definitions for “pseudorandom” and “random” from the third edition of The American Heritage College Dictionary, produced by Canon at CANON_980_00003971-3973 and CANON_980_00003977-3979.

9. Attached hereto as **Exhibit 7** are true and correct copies of definitions for “pseudorandom” and “random” from Webster’s II New College Dictionary, produced by Canon at CANON_980_00003974- CANON_980_00003976 and CANON_980_00003980- CANON_980_00003983.

10. Attached hereto as **Exhibit 8** is a true and correct copy of U.S. Patent No. 7,116,714, produced by WSOU at WSOU-CANON-0000358- WSOU-CANON-0000374.

11. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the file history of U.S. Patent No. 7,116,714, produced by WSOU at WSOU-CANON-0000375-WSOU-CANON-0000635.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances.

Executed on the 23rd day of August, 2021, in New York, New York.

Dated: August 23, 2021

Respectfully Submitted

/s/ Richard F. Martinelli

Richard F. Martinelli (*pro hac vice*)
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